



David B. Cohen

## CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

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Public Hearing Date: March 11, 2008  
Land Use Action Date: May 6, 2008  
Board of Aldermen Action Date: May 19, 2008  
90-Day Expiration Date: June 11, 2008

TO: Board of Aldermen

FROM: Michael Kruse, Director of Planning and Development  
Candace Havens, Chief Planner  
Robert Merryman, Senior Planner *JK*

DATE: March 7, 2008

SUBJECT: **Petition #64-08 of NATHAN EIGERMAN** requesting a **SPECIAL PERMIT/SITE PLAN APPROVAL AND EXTENSION OF NON-CONFORMING USE** to expand an existing one-story detached 2-car garage that exceeds the 700 sq. ft. limit on a lot containing an existing single-family dwelling having approximately 19,095 sq. ft. of land at **360 HAMMOND STREET, CHESTNUT HILL**, Ward 7, Section 63, Block 24, Lot 7, within a **SINGLE RESIDENCE 1 DISTRICT**.

CC: Mayor David B. Cohen

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The purpose of this memorandum is to provide the Board of Aldermen and the public with technical information and planning analysis which may be useful in the special permit decision making process of the Board of Aldermen. The Planning Department's intention is to provide a balanced view of the issues with the information it has at the time of the public hearing. There may be other information that will be presented at or after the public hearing that the Land Use Committee will consider in its discussion at a subsequent Working Session.

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## EXECUTIVE SUMMARY

The petitioner proposes to expand an existing non-conforming, one-story, detached two-car garage from 657 square feet to 748 square feet to accommodate their vehicles plus storage for recreational equipment. The garage is a legally nonconforming structure located within the five-foot setback that is required on the side and rear yards. A special permit is required because the addition is an extension of a nonconforming accessory garage and exceeds the 700 square foot limit for garages.

The Planning Department believes that the size of this garage is compatible with the size of the house and the large lot. Additionally, the garage has been located in this corner of the lot for almost 100 years and is barely visible when viewed up the driveway from the public way, although some additional landscape screening would be an attractive enhancement. The proposed garage expansion was reviewed by the Newton Historical Commission, which approved of a “faux” gable roof and siding on the visible frontages. However, the petitioner may wish to consider a complete gable roof and siding to match the house for a more authentic look.

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### I. SIGNIFICANT ISSUES FOR CONSIDERATION

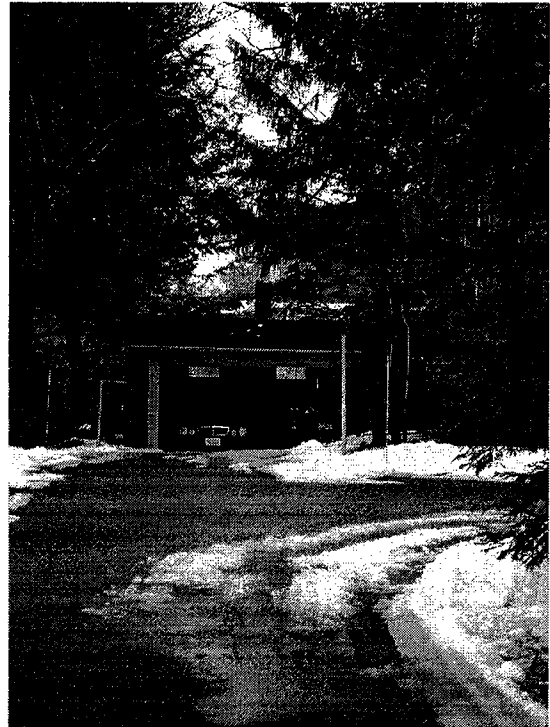
In reviewing this petition, the Board of Aldermen should consider whether:

- the proposed 748 sq.ft. garage would have any adverse affect on the site or neighborhood;
- the proposed garage expansion would be consistent with the scale and character of the immediate neighborhood; and
- the proposed garage expansion would be substantially more detrimental to the immediate neighborhood than the existing garage use.

### II. CHARACTERISTICS OF THE SITE AND NEIGHBORHOOD

- A. Site. The subject property is located at 360 Hammond Street and is approximately 19,095 square feet in area. The site is improved with a 3,854 square foot single-family dwelling built in 1880 and a two-car detached garage built in 1914, which is the subject of this petition. The size of the lot is average for the neighborhood. It is rectangular in shape and is relatively flat.

- B. Neighborhood and Zoning. The site is located in the middle of a large Single Residence 1 District in Chestnut Hill, within the Chestnut Hill Local Historic District. Single-family residences are the predominant land use in the neighborhood, ranging in size from 2,500 to 5,000 square feet. The majority of homes are 2½-stories high and a few are 3-stories. Many nearby properties have been acquired by Boston College and now contain offices. The main Chestnut Hill campus of Boston College is two blocks to the north across Beacon Street, also in a Single Residence 1 District. Four blocks to the south are the Chestnut Hill MBTA Green Line Station, Route 9 (Boylston Street), and the Chestnut Hill commercial district.



### III. PROJECT DESCRIPTION

- A. Building Design, Colors and Materials. The existing structure is a one-story, cinder block, two-car garage. A 91 square foot (4.5 ft. X 20.25 ft.) addition is proposed to be constructed with a wood clapboard façade and a “faux” shingled roof with gutter and down spouts to match the colors of the main house. The garage doors function as contemporary doors that open from the bottom, but are designed to look like doors on a carriage house. Planning Department staff appreciates the efforts to enhance the appearance of the garage with this expansion and also notes the entire building could benefit from a “face lift.” A complete hip roof and wood clapboard façade to match the house would further improve its appearance, especially from the view of abutters to the west. Although the garage would be 35.33 feet in length, the structure is not out of scale with the site or the neighborhood.
- B. Landscaping. The plans show no changes to the existing landscaping and, while the Planning Department does not believe extensive landscaping is required, it recommends the installation of a few evergreen bushes around the garage for screening.

### IV. COMPREHENSIVE PLAN

The enhancement of an existing garage in this setting is compatible with the *Newton Comprehensive Plan*’s general emphasis of encouraging designs that are context sensitive.

### V. SUMMARY OF ZONING RELIEFS REQUESTED

The petitioner is seeking relief from or approvals through the following sections of the City’s Zoning Ordinance:

- Section 30-8(b)(7) allows the Board of Aldermen to grant a special permit for a garage that exceeds the maximum of 700 square feet requirement;
- Section 30-21(b) allows the Board of Aldermen to approve an extension of a non-conforming detached accessory structure within the side and rear yard setbacks;
- Section 30-23 for Site Plan Approval; and
- Section 30-24 for Special Permit Approval

The Chief Zoning Code Official's review, dated January 25, 2008, is attached to this memorandum (*SEE "ATTACHMENT A"*).

## VI. TECHNICAL REVIEW

- A. Technical Considerations. The following chart illustrates how the proposed alteration to this garage in a Single Residence 1 District on an "old lot" compares to the dimensional and parking requirements of the Ordinance. It shows the lot and residence meet all of the dimensional requirements except for the size and setback of the proposed garage addition:

<b><i>SINGLE RESIDENCE 1</i></b>	<b>Ordinance</b>	<b>Existing</b>	<b>Proposed</b>
Min. Lot Size	15,000 s.f.	19,095 s.f.	Same
Min. Frontage	100 ft.	268 ft.+/-	Same
Setbacks			
Front	25 ft.(Dwelling)	42 ft.	Same
Side yard	12.5 ft.(Dwelling) 5 ft. (Garage)	17 ft. 4 ft.	Same 2 ft (To Overhang)
Rear yard	25 ft.(Dwelling) 5 ft. (Garage)	50 ft. 3.1 ft. 1.6 ft. (To Chimney)	Same Same Same
Max. Height	30 ft.(Dwelling) 18 ft. (Garage)	N/A 10 ft.	----- 10 ft.
Max. Stories	2 ½ House 1 ½ Garage	N/A 1 story	----- 1 story
Max Lot Coverage	20%	17%	17 %
Min. Open Space	65%	70.3%	70%
F.A.R.	0.25	0.11	0.13
Parking Spaces	2 stalls	1 stall 1 car garage	1 stall 1 car garage
Maximum Garage Size	700 sq. ft.	657 sq. ft.	748 sq. ft.
Width of Driveway	20' max.	10 ft.	10 ft.

- B. Historic Commission Review. At their August 17, 2007 meeting, the Chestnut Hill Historic District Commission reviewed the existing garage and issued a "Certificate of Appropriateness" for the proposed addition. Its approval also included permission to extend the proposed siding and roofing onto the entire structure if desired. (*SEE ATTACHMENT "B"*)
- C. Other Departmental Reviews. The Associate City Engineer reviewed plans for the proposed garage and has no concerns.

### ATTACHMENTS

*ATTACHMENT A: Zoning Review Memorandum, January 25, 2008*

*ATTACHMENT B: Chestnut Hill Historic District Commission Record of Action, August 17, 2007*

*ATTACHMENT C: Zoning Map*

## Zoning Review Memorandum

Dt: January 25, 2008

To: Timothy Burke, Arch., representing Nathan Eigerman, owner

Fr: Juris Alksnitis, Chief Zoning Code Official

Cc: Michael Kruse, Director, Department of Planning and Development  
John Lojek, Commissioner of Inspectional Services

**RE: Request to extend a nonconforming accessory garage and to exceed 700 sq. ft.**

**Applicant: Nathan Eigerman**

<b>Site:</b> 360 Hammond St. <b>Zoning:</b> SR-1 <b>Current use:</b> Detached garage accessory to residence	<b>SBL:</b> Section 63, Block 24, Lot 07 <b>Lot Area:</b> 19,095 sq. ft. (per GIS) <b>Prop. use:</b> Same, with larger detached gar.
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**Background:**

The petitioner wishes to construct a modest addition extending forward an existing single story detached accessory garage serving a single-family dwelling. The applicant desires to build a 91 sq. ft. single story addition immediately in front of the existing garage increasing the garage from approximately 657 sq. ft. to 748 sq. ft. to better accommodate storage of vehicles, bicycles, lawn furniture, etc. As the garage would exceed 700 sq. ft., and as the proposed addition would extend this building within the applicable setback, special permit approvals from the Board of Aldermen are necessary.

**Administrative determinations:**

1. The subject site is comprised of a lot created before December 7, 1953 ("old lot") and is subject to pre-1953 dimensional controls applicable to lots in the SR-1 zone. The following review is based on the materials and plans received to date as referenced under Plans and Materials Reviewed, below.
2. The Newton Zoning Ordinance sections 30-8(b)(7) and 30-15(m)(5) regulate construction of garages exceeding 700 sq. ft. As the applicant seeks to expand a garage so as to exceed 700 sq., this necessitates a special permit from the Board of Aldermen.
3. The existing concrete block garage was originally constructed under permit #119-dated October 6, 1914 as accessory to a dwelling constructed approximately in 1980, located in the Chestnut Hill Historic District. The Chestnut Hill Historic District Commission issued a Certificate of Appropriateness for the proposed garage extension by Record of Action dated August 17, 2007, which also addresses certain design considerations pertaining to the roof.
4. Section 30-15(m) regulates accessory buildings, including garages in conjunction with Section 30-15, *Table 1 -- Density and Dimensional Controls in Residence Districts and for Residential Uses*. The existing garage meets the relevant dimensional requirements

except for its location 4 ft from the side lot line and 3.1 ft. from the rear lot line, which are less than the 5 ft. setbacks currently, required. As the garage was built in 1914, this predates the accessory building requirements adopted December 6, 1999, and existing conditions are deemed lawful nonconforming. The proposed addition at the front would also meet the relevant dimensional requirements except that it would continue the existing garage wall line parallel to the side lot line, thereby extending the existing nonconforming garage within the required 5 ft. side setback. Although the nonconforming additional building portion falling within the side setback is minimal, Section 30-21(c), *De minimis* does not apply to detached garages. As a result, the applicant needs approval by the Board of Aldermen for extension of a nonconforming structure pursuant to Section 30-21(b).

5. Section 30-19(d)(1) and (g) set out the applicable parking and driveway requirements. Existing garage parking is being increased, and the driveway appears to meet applicable width based on scaled dimensions.
6. The applicant states that none of the proposed work will result in a change of grade more than 3 ft. due to the existing flat topography. As a result, Section 30-5(b)(4) requiring approval by the Board of Aldermen for a grade change exceeding 3 ft. does not apply. Nevertheless, it is suggested the applicant obtain Engineering Division approval of any work that may affect the existing driveway drain in proximity of the garage.
7. See "Zoning Relief Summary" below.

<b>Zoning Relief Summary</b>		
<b>Ordinance</b>		<b>Action Required</b>
	<b>Building</b>	
30-8(b)(7)	A private garage of more than 700 sq. ft. in area	X
	<b>Site</b>	
<del>30-5(b)(4)</del>	Alteration of grade in excess of three feet.	N/A
30-23	Site plan approval.	X
	<b>Parking</b>	N/A
	N/A	
	<b>Nonconformity</b>	
30-15(m)(1) 30-21(b)	Extension of nonconforming detached accessory garage within side setback.	X
	<b>Special Permit</b>	
30-24(d)	Approval of special permit for garage in excess of 700 sq. ft. and for extension of a nonconforming accessory building.	X

Plans and materials reviewed:

- Chestnut Hill Historic District Commission Record of Action, August 17, 2007 approving a Certificate of Appropriateness, subject to certain conditions pertaining to the replacement roof.
- E-mail from T. Burke, architect, Jan. 25, 2008, confirming lot coverage and open space figures on plan reference below refer to post-construction conditions. Pre- and post-figures to be included in zoning table of final plan submitted with petition to Board of Aldermen.
- Plan titled "360 Hammond St., Newton, Massachusetts, Garage Demolition; Garage Proposed Addition", Sheet A-1, dated 9/24/07, prepared by Timothy Burke Architect, Inc., 142 Berkeley St., Boston, MA 02116, stamped and signed by Michael P. Antonino, Registered Land Surveyor, and Timothy Burke, Registered Architect, respectively.



# CITY OF NEWTON, MASSACHUSETTS

Department of Planning and Development

Michael J. Kruse, Director

## ATTACHMENT B

1stFax

(617) 796-1142

David B. Cohen  
Mayor

### RECORD OF ACTION

DATE: August 17, 2007

SUBJECT: 360 Hammond Street - Certificate of Appropriateness

At the continued meeting and public hearing on August 16, 2007, the Chestnut Hill Historic District Commission, by a vote of 5 to 0, passed the following motion:

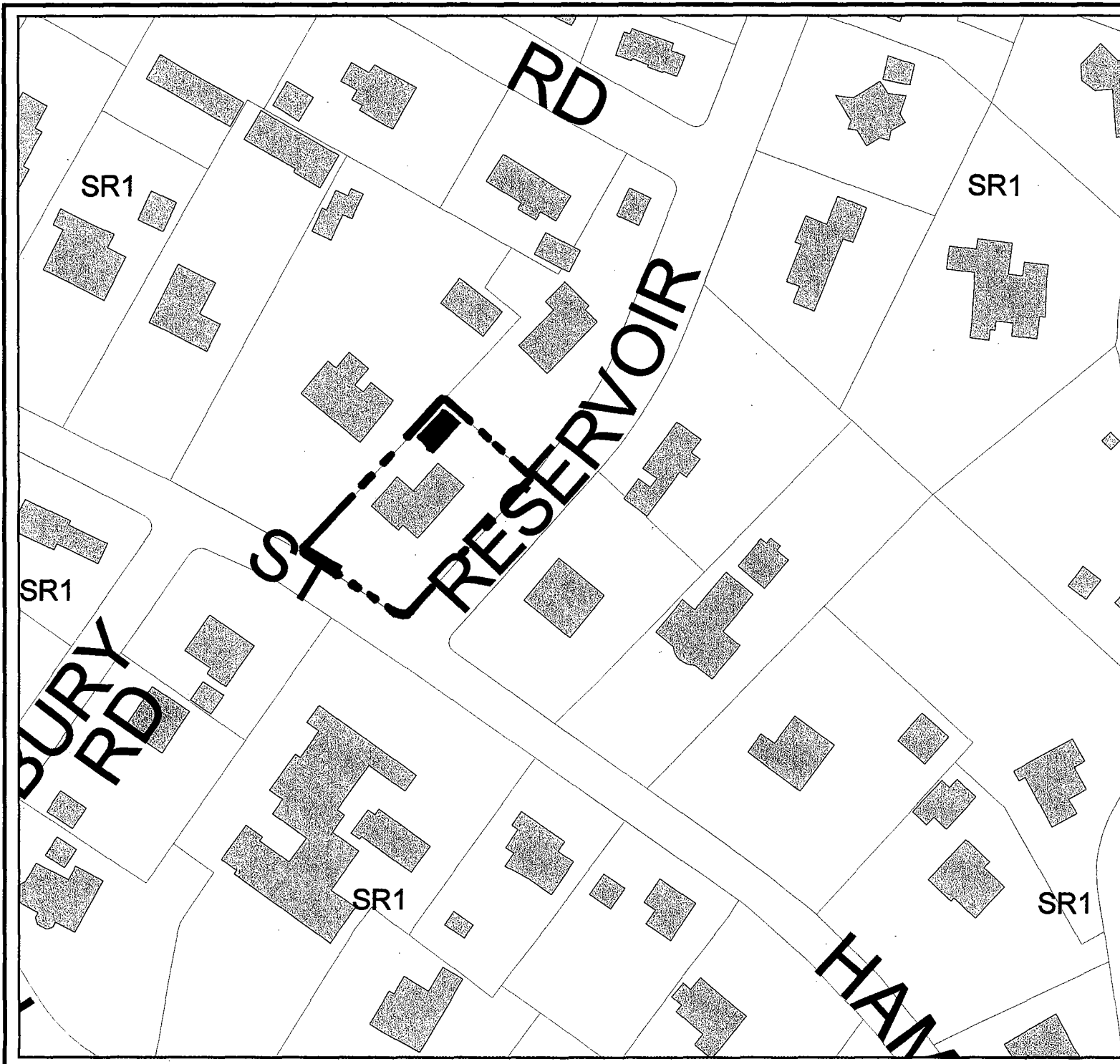
RESOLVED to issue a Certificate of Appropriateness for the addition to the detached garage as shown on the plans with the authorization given to the owner to continue to side the rest of the building in clapboards and/or to complete the new roof shape with a full hip roof to match the dimensions of the of the half hip or to completely replace the flat roof of the structure with a new hip roof.

Voting In the Affirmative: Donald Lang, Joyce Dostale, John Rodman, Lois McMullin,  
Merle Winer

  
Lara Kritzer, Acting Secretary

Minutes: 8/16/07



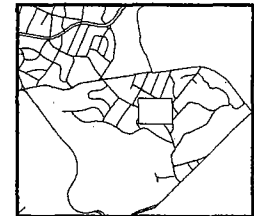


360 HAMMOND STREET

# City of Newton

Newton Boundary	<b>Zoning Districts</b>
Property Boundaries	Single Res. 1
<b>Street Names</b>	Single Res. 2
	Single Res. 3
	Business 1
	Business 2
	Business 4
	Business 5
	Lim. Manuf.
	Manuf.
	Multi-Res. 1
	Multi-Res. 2
	Multi-Res. 3
	Multi-Res. 4
	Mixed Use 1
	Mixed Use 2
	OS/Rec.
	Public Use
	Buildings

1" = 122.4'



The information on this map is from a digital data base accessed using the Newton Geographic Information System (GIS). Newton cannot guarantee the accuracy of the information contained on this map. Each user of this is responsible for determining the suitability for his or her intended use or purpose. City departments will not necessarily approve applications based solely on GIS. Applicants for city permits and licenses must inquire the relevant city department for applicable requirements. City staff correct errors in these data as they are identified. Newton's GIS Administrator maintains records regarding the source materials and methods used to create the data and will disclose this information upon request.

DATA SOURCES: Not all necessary apply to this map:  
 Parcel boundaries supplied on 1973-1990 orthorectified maps, Building footprints and other information from Boston Edition Census on 1981 aerial photos, Newton staff have updated the building footprints and parcel boundaries from subdivision plans. Thematic data (e.g., zoning, land use) are from the Assessor's CAW database.

